

FRANZ GEYLING

JULY 26, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. CHELF, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1413]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1413) for the relief of Franz Geyling, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Franz Geyling shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to grant the status of permanent residence in the United States to a citizen of Austria, born in China, an acting instructor in the civil engineering department of Stanford University. The bill also provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter from the Deputy Attorney General, dated January 26, 1951, to the chairman of the Committee on the Judiciary, which letter reads as follows:

JANUARY 26, 1951.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice with respect to the bill (H. R. 1413) for the relief of Franz Geyling, an alien.

The bill would authorize the Attorney General to record the lawful admission for permanent residence of Franz Geyling as of April 7, 1947. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that the alien was born on September 7, 1926, in Tientsin, China, but is of Austrian nationality, and that his full name is Franz Thomas Geyling. He entered the United States on April 7, 1947, as a student under section 4 (e) of the Immigration Act of 1924, destined to Stanford University, Palo Alto, Calif., where he received his degree in civil engineering in June 1950, and is now pursuing graduate work which includes the tutoring of students.

On July 5, 1950, Mr. Geyling applied for adjustment of his immigration status under section 4 of the Displaced Persons Act of 1948, but this application was denied on the ground that he was not unable to return to Austria because of persecution, or fear of persecution on account of his race, religion, or political opinions.

Information supplied by the alien during a hearing accorded him on July 17, 1950, upon his application, was to the effect that, with the exception of the time used for two vacations in Europe, he had resided continuously in China from the date of his birth until 1947; that from 1932 to 1944 he had attended the German school in China; that he had attended no other school, except Stanford University, at which he has been a student from 1947 to 1950; that while at the university he had accepted part-time employment during his summer vacations; that his sole purpose in entering this country was to pursue his studies, after which he intended to depart from the United States; and that for fear of persecution he could not return to China or Austria. In a further interview occurring in October 1950 he stated that he had received approximately \$1,000 a year for his services as a private tutor, has savings amounting to \$700, and also has a scholarship from Stanford University amounting to \$660. There is nothing in the record to indicate that he is not a person of good moral character.

The alien is chargeable to the Chinese geographical quota, which is oversubscribed, and an immigration visa is not readily obtainable. The record, however, fails to present facts which would warrant enactment of special legislation granting him a preference over other persons chargeable to the same quota.

Accordingly, this Department is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Mr. Anderson of California, the author of this bill, urged the enactment of his measure and submitted the following additional evidence in support of H. R. 1413:

STANFORD UNIVERSITY,
 DEPARTMENT OF HISTORY,
 Stanford, Calif., January 9, 1950.

Hon. JACK Z. ANDERSON,
Member of Congress, The House Office Building, Washington, D. C.

DEAR MR. ANDERSON: My father, Charles L. Snyder, had a conference with you in San Jose just before Christmas concerning the visa status of Franz Thomas Geyling, an Austrian national (whose family resides in China) now studying at Stanford University under the provisions of a student (4-E) visa. Dad said you had requested a detailed statement of the case, and I am pleased to do this for Franz and anything else that may be necessary to further his cause. You may recall that I visited with you in your office in 1945 when I was on naval duty in Washington.

Father and I, together with several members of the Stanford faculty, are desirous of having this outstanding young man as a permanent resident of the United States. From the beginning of his Stanford career he has been a brilliant student, not only in his major field of engineering, but in everything else as well.

He is one of the finest prospects we have had at our university in recent years, and his ability as well as his driving energy, and outstanding moral character, make it almost a certainty that he will be a particularly desirable asset for any country fortunate enough to command his services. The university has thought so highly of him that it granted him scholarships when the Chinese Government virtually cut off all financial support from his family. It is a rare occasion when a foreign student wins a scholarship at Stanford. In short, it is our considered judgment that his ability, training, character, and linguistic assets (he speaks five languages fluently, including Chinese) make him a person who would be an asset to the United States on the one hand, and one who should not be subjected to possible exploitation by unfriendly foreign powers, on the other.

The Stanford counselor for foreign students informed me that in certain unusual circumstances, and when sufficient support was given the case, a person such as Franz might be issued a 4-C visa (normally issued only to persons born in the Western Hemisphere) and that there are one or two European students now at the university with these permanent visas. He also suggested that we should visit the Immigration Office in San Francisco, which Franz and I did. We talked with Mr. Hitson, who suggested that Franz could apply for permanent residence in the United States under the Displaced Persons Act of 1948. These are the facts bearing on his eligibility:

1. Although born in China where he has always lived, the Nationalist Government would not issue him a passport permitting him to return to China after he finishes his studies in the United States. This was in conformity with their policy of discouraging the residence of foreigners in China. Since the Communists have taken the country, he would not return even if permitted.

2. Since arriving in this country he has obtained an Austrian passport and he can go to that country when he completes his studies. Since his arrival, however, the Austrian Government has confiscated all his father's resources in Vienna, and the area where his family lived prior to 1914 is now in the Russian zone.

3. His mother's family have lived in Rumania for centuries, where they have been prominent in industry, but recently the Communists confiscated all their property and have treated members of the family severely. Franz is naturally reluctant to go to a place where he has never lived and where the Russians have such a direct interest in his technical training, and where they could use his relatives in Bucharest and Vienna as a lever to force him to do their bidding.

In short, he is cut off and displaced from his place of birth by the Chinese Communists, and restrained from going to the country of his nationality because of the political and economic restraints which the Rumanian and Russian authorities in Europe have already imposed upon the families of both his mother and his father.

Franz has worked as a student to support himself and, while I am confident that he will always be financially independent, I am both able and willing to guarantee his support. I am enclosing the application forms which Franz has filled out and will be glad to supply you with any additional information or assistance. His birth certificate is on file in Washington with the Naturalization and Immigration Service in the Department of Justice.

I thank you very much for your assistance in this matter, not only in behalf of my father and me, but of Franz as well.

Very sincerely yours,

RIXFORD K. SNYDER,
Professor of History.

STANFORD UNIVERSITY,
OFFICE OF THE PRESIDENT,
Stanford, Calif., June 25, 1951.

HON. JACK Z. ANDERSON,
Member of Congress, House Office Building, Washington, D. C.

MY DEAR MR. ANDERSON: I write concerning Mr. Franz Geyling and in support of bill H. R. 1413, providing for the relief of Mr. Geyling.

Franz Geyling graduated from Stanford University with a bachelor of science degree in June of 1950, with great distinction, and having made a straight A average in the department of civil engineering. He was elected to Phi Beta Kappa in his senior year. In June 1951 he received his master of science degree, also in civil engineering, and is now beginning work on his doctor of philosophy degree in the same field. During the last 2½ years of his undergraduate work and during his entire graduate work, Mr. Geyling has been holding university

scholarships which have made possible his continued education. For the past year he has been an acting instructor in the civil engineering department, teaching undergraduate students in engineering. During this summer quarter he will be a full-time instructor in the civil engineering department.

The civil engineering department of Stanford University believes that Mr. Geyling is one of the outstanding engineers trained by them in recent years. He has contributed much to Stanford University, and gives every indication of having much to offer in the future.

Sincerely yours,

Dr. J. E. WALLACE STERLING.

STANFORD UNIVERSITY,
DEPARTMENT OF CIVIL ENGINEERING,
SCHOOL OF ENGINEERING,
Stanford, Calif., June 28, 1951.

Hon. JACK Z. ANDERSON,
*Member of Congress,
House Office Building, Washington, D. C.*

MY DEAR MR. ANDERSON: This letter is written in support of bill H. R. 1413, providing for the relief of Mr. Franz Geyling, and supplements the letter of President Sterling written on June 25.

Each year the Stanford Civil Engineering Department is required to rate all civil-engineering applicants for graduate fellowships in order of preference. A little over a year ago, when Mr. Geyling was still an undergraduate, we rated him first over a number of applicants who had had one or more years of graduate work as well as engineering experience. We have had no cause to regret this choice, and we feel that his performance in graduate study here at Stanford has been excellent.

During the past year, while Mr. Geyling has been working for his Master of Science degree, we have employed him as instructor on a part-time basis to teach sections of engineering mechanics, strength of materials, and materials testing laboratory. We have been so pleased with his work as an instructor that he is employed on a full-time basis during the current summer quarter.

Next fall he plans to continue his work for his doctor's degree. His research project will be under Professor Flugge in the field of the theory of shells. This field of research, in the mechanics of structures, is important to the petroleum industry as well as to many other industries. We feel hopeful that Mr. Geyling's research will make a useful contribution to this subject.

As you may see, we think highly of Mr. Geyling here in the Stanford civil engineering department. He has unusual natural abilities and qualities of personality and should become an excellent engineer. It would be a shame if his services were denied to the United States as would presumably be the case if H. R. 1413 failed of passage.

Sincerely yours,

EUGENE L. GRANT,
Executive Head.

The committee, upon consideration of all the facts in this case, is of the opinion that H. R. 1413, as amended, should be enacted, and it accordingly recommends that the bill do pass.

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